

## § 3120.1

- 3120.2 Lease terms.
- 3120.2-1 Duration of lease.
- 3120.2-2 Dating of leases.
- 3120.2-3 Lease size.
- 3120.3 Nomination process.
- 3120.3-1 General.
- 3120.3-2 Filing of a nomination for competitive leasing.
- 3120.3-3 Minimum bid and rental remittance.
- 3120.3-4 Withdrawal of a nomination.
- 3120.3-5 Parcels receiving nominations.
- 3120.3-6 Parcels not receiving nominations.
- 3120.3-7 Refund.
- 3120.4 Notice of competitive lease sale.
- 3120.4-1 General.
- 3120.4-2 Posting of notice.
- 3120.5 Competitive sale.
- 3120.5-1 Oral auction.
- 3120.5-2 Payments required.
- 3120.5-3 Award of lease.
- 3120.6 Parcels not bid on at auction.
- 3120.7 Future interest.
- 3120.7-1 Nomination to make lands available for competitive lease.
- 3120.7-2 Future interest terms and conditions.
- 3120.7-3 Compensatory royalty agreements.

AUTHORITY: 16 U.S.C. 3101 *et seq.*; 30 U.S.C. 181 *et seq.* and 351-359; 40 U.S.C. 471 *et seq.*; 43 U.S.C. 1701 *et seq.*; and the Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41).

SOURCE: 53 FR 22843, June 17, 1988, unless otherwise noted.

### Subpart 3120—Competitive Leases

#### § 3120.1 General.

##### § 3120.1-1 Lands available for competitive leasing.

All lands available for leasing shall be offered for competitive bidding under this subpart, including but not limited to:

(a) Lands in oil and gas leases that have terminated, expired, been cancelled or relinquished.

(b) Lands for which authority to lease has been delegated from the General Services Administration.

(c) If, in proceeding to cancel a lease, interest in a lease, option to acquire a lease or an interest therein, acquired in violation of any of the provisions of the act, an underlying lease, interest or option in the lease is cancelled or forfeited to the United States and there are valid interests therein that are not subject to cancellation, forfeiture, or

## 43 CFR Ch. II (10-1-08 Edition)

compulsory disposition, such underlying lease, interest, or option shall be sold to the highest responsible qualified bidder by competitive bidding under this subpart, subject to all outstanding valid interests therein and valid options pertaining thereto. If less than the whole interest in the lease, interest, or option is cancelled or forfeited, such partial interest shall likewise be sold by competitive bidding. If no satisfactory bid is obtained as a result of the competitive offering of such whole or partial interests, such interests may be sold in accordance with section 27 of the Act by such other methods as the authorized officer deems appropriate, but on terms no less favorable to the United States than those of the best competitive bid received. Interest in outstanding leases(s) so sold shall be subject to the terms and conditions of the existing lease(s).

(d) Lands which are otherwise unavailable for leasing but which are subject to drainage (protective leasing).

(e) Lands included in any expression of interest or noncompetitive offer, except offers properly filed within the 2-year period provided under § 3110.1(b) of this title, submitted to the authorized officer.

(f) Lands selected by the authorized officer.

#### § 3120.1-2 Requirements.

(a) Each proper BLM State office shall hold sales at least quarterly if lands are available for competitive leasing.

(b) Lease sales shall be conducted by a competitive oral bidding process.

(c) The national minimum acceptable bid shall be \$2 per acre or fraction thereof payable on the gross acreage, and shall not be prorated for any lands in which the United States owns a fractional interest.

#### § 3120.1-3 Protests and appeals.

No action pursuant to the regulations in this subpart shall be suspended under § 4.21(a) of this title due to an appeal from a decision by the authorized officer to hold a lease sale. The authorized officer may suspend the offering of a specific parcel while considering a protest or appeal against its inclusion in a Notice of Competitive Lease Sale.